specified subjects, so that the legislation shall be binding upon the nations that are members of the organization, with certain limitations and qualifications as follows:

1. A measure, before it becomes a law, must pass the conference twice by a majority of the votes thereof as hereafter described;

2. At the first passage each constituent state, regardless of population, size, or importance, shall be entitled to an equal voice with every other state;

3. At the second passage each state shall have a vote proportionate to its "representative," not its total, population, which is to be estimated (except in the case of Japan and China) by adding to the number of its white population a certain proportion (say, one-third) of its colored or mixed population;

4. Japan should be treated as if the Japanese were of white race; China, according to special agreement;

5. A measure, when passed twice by the conference as above described, unless vetoed by one of the constituent states within a prescribed period, shall become a law binding upon all members of the organization;

6. Any constituent state shall have the right, within the period prescribed, to veto the measure upon the ground that it exceeds the legislative powers conferred upon the conference, or otherwise violates the fundamental agreement upon which the organization is based;

7. In the event of such veto, the measure shall not become a law unless the veto be overcome by a designated large majority (say, three-fourths) of the conference upon two votes taken as already indicated.

The CHAIRMAN. We shall next have the pleasure of listening to a continuation of the discussion of international organization — a paper upon the nature of the proposed judicial department of the organized society of nations. Dr. Charles G. Fenwick, Associate Professor of Political Science in Bryn Mawr College, has been good enough to prepare this paper, and we shall now have the pleasure of listening to it.

INTERNATIONAL ORGANIZATION — JUDICIAL

ADDRESS BY CHARLES G. FENWICK,

Associate Professor of Political Science in Bryn Mawr College

In approaching the study of the problem of an international court of justice, it is vital that we should not detach ourselves from the facts of international life. We cannot take refuge in abstract meditation and speculate upon the ideal judicial organization of an ideal international

community. It will not do to propose a court, however nicely its jurisdiction and membership be adjusted in theory, unless there is strong antecedent probability that the nations will find in it the instrument which responds to their needs. The problem is one of practical statesmanship.

Moreover, the establishment of an international court is not a purely technical problem presenting strictly judicial difficulties. Rather it extends its ramifications into the whole field of international organization; it is intimately linked up with other international institutions and cannot be properly considered apart from them. As in the case of national courts, there can be no judicial procedure until the parties have first come into court, there can be no satisfactory award unless there be a definite law applicable to the case, and there can be no authoritative decision except on the knowledge that behind the award of the court stands the organized force of the community pledged to support it. The jurisdiction of the international court will, therefore, be largely dependent upon the existence of an international legislature, and its authority will be greater or less according to the character of the international executive which supports its decrees.

Bearing in mind these two principles, we may proceed to consider the practical difficulties that are met with in the attempt to establish an international court and the extent to which progress has thus far been made in overcoming them.

First among the difficulties is the question of determining the jurisdiction of the court. Assuming that it is desirable as a general principle to submit the disputes between nations to an international tribunal, to what extent is it feasible to do so? Here we are immediately confronted with a group of disputes which it has generally been held are not susceptible of decision by judicial processes. It is common to divide the disputes between nations into two classes, legal or justiciable disputes, and political or non-justiciable disputes, the former being regarded as properly within the jurisdiction of an international court, the latter not so. The distinction may be seen in Article I of the series of arbitration treaties entered into by the United States in 1908. It is agreed in these treaties to submit to arbitration "differences which may arise of a legal nature or relating to the interpretation of treaties," with an exception, however, even within this field of disputes affecting "the vital interests, the independence, or the honor of the two contracting states." The distinction is brought out more clearly in the series of treaties negotiated by President Taft in 1911. Here the phrase "differences . . . of a legal nature" is replaced by "differences . . . which are justiciable in their nature," and these are defined

to be differences "susceptible of decision by the application of the principles of law or equity." We may say, then, that legal disputes are those to which fairly definite principles of law may be applied, whereas political disputes are those for the settlement of which no principles of law have yet been developed.

What is the peculiar nature of these political disputes that puts them beyond the law? They are said to relate to "matters of policy," and if we may attempt to define that vague phrase it might be held to include whatever relates to the safety of the state both in respect to security against attack from without and vital well-being from within. The Monroe Doctrine is said to be a matter of policy, because it is an expression of the fear of the United States lest the extension of European control over this continent deprive this country of the security resulting from its geographic isolation, and possibly force it to become a partner in one or other of the alliances of Europe. The exclusion of certain aliens from immigration is said to be a matter of policy, because it is felt that their presence within the state would tend to subvert the peace and order of the community. Now the fact of placing such questions as these in a class apart does not indicate that they may never be brought within the scope of arbitration, but merely that international law has not yet developed sufficiently definite rules in regard to them to make the judicial settlement of them possible. It would seem quite ridiculous if the jurisdiction of national courts were to be made dependent upon the character of the dispute and if private parties were at liberty to refuse to submit to the court questions involving, as they thought, their "honor and vital interests." While we may not feel that our judicial institutions have at all times rendered decisions above criticism, we are nevertheless fully convinced that the honor and vital interests of individuals are on the whole entirely safe in the hands of the court, and that there is nothing inherent in either of those issues which makes it impossible to bring them under the control of the law.

We see, then, the dependence of an international court of justice upon the existence of an international legislature. If international law is to remain in the future as indefinite on many points as it has been in the past, then there is little hope of extending the jurisdiction of the international court over the many cases now excluded from it. Nothing less than the enactment of positive rules of law will succeed in establishing the international court in a position of authority over the states in those cases where recourse to a court of justice is most needed.

I regret that Professor Minor, in outlining the organization of the international legislature so carefully for us, felt that he had not the time to

go into the powers to be conferred upon that body, and to outline the law which it may possibly develop. Perhaps, in the discussion afterward, he may throw some light upon that.

In illustration of the need of such positive rules, there is at the present time no fixed law with respect to international property rights, and while it would be highly undesirable that the *status quo* in respect to present property rights be made permanent, yet it is clear that until some agreement in the matter of international ownership is reached, disputes between states upon this fundamental question must continue. Again, there is no law regulating the development by other nations of those states whose natural resources are out of all proportion to their means of utilizing them; there is no law regulating the grant by one nation of concessions to another nation or nations in the form of exclusive privileges of industry or trade. More important still is the absence of a law by which an injunction might be obtained against threatened aggression, and a law providing for the punishment of an assault when committed.

It is in this last instance that the need of an international executive is seen which shall give protection to life and liberty among the nations and make unnecessary the formation of alliance and counter-alliance and the elaborate armaments for self-defense. Failing the protection of an international executive, the nations must continue to withhold from arbitration an important group of cases which involve the measures, proximate and remote, taken by them to secure themselves against attack. On the other hand, there is little doubt but that the existence of an international executive guaranteeing the safety of every nation against aggression would automatically enlarge the jurisdiction of the court, while the creation of a definite law to fill the gaps at present existing would likewise enlarge the jurisdiction of the court and at the same time effect a corresponding reduction in the number of disputes arising in international life. While the Constitution of the United States represents doubtless a closer union than is at present attainable or desirable between the nations, it is nevertheless interesting to observe how a definite federal law governing the relations of the component States soon showed its effects in the smaller number of disputes between them as compared with conditions under the less definite law of the Articles of Confederation.

Thus far we have been concerned with the jurisdiction of the international court, and have sought to make clear both its present limitations and its possible enlargement in the future. We are now brought to a consideration of the composition of the court. Two questions here present themselves: one regarding the advantages of permanent as against tem-

porary judges, the other regarding the proper method of selecting the judges of a permanent court, if that form of tribunal be found desirable. Both questions are still subject to partisan dispute, and it cannot be said that a wholly satisfactory conclusion is yet in sight.

Arbitration has been the method hitherto resorted to for the peaceable settlement of international disputes. Now an arbitral tribunal, it would seem, is by its very nature a temporary tribunal. It is composed of judges freely chosen by the contending parties to decide the particular question before the court, — judges who therefore enjoy, in half at least, the confidence of the disputants, and who, having rendered their decision, pass out of existence as a judicial body. The chief weakness of such a tribunal is, of course, the fact that upon the umpire chosen by the bi-partisan representatives of the disputants falls the real burden of the decision. Moreover, considerable delay must accompany the selection of the members of the court. At the First Hague Conference an effort was made to facilitate arbitration by providing a permanent list of judges from which individual names might be selected for a particular dispute. This list goes by the somewhat misleading name of the Hague Permanent Court of Arbitration. At the Second Hague Conference a distinct improvement was introduced in the form of a provision that of the two judges chosen by the parties from the permanent list not more than one should be selected from among those appointed to the court by the state so choosing, thus insuring a majority of three neutrals out of a court of five members. Now it cannot be denied that the court thus provided offers decided advantages over the arbitral tribunals previously constituted. The permanent list fairly represents the highest judicial talent available for the purpose, the selection of the neutral judges is greatly simplified, and while there is no continuity in the decisions of the various temporary tribunals, there is nevertheless a natural tendency for subsequent courts to be influenced by prior decisions where they are in point. The decisions thus far rendered by the court have been reprinted in convenient form by the Carnegie Endowment for International Peace, and while they have been criticized on some points by experts, the ordinary reader will be impressed with the record.

In spite of the impulse given to arbitration by the establishment of the Hague Permanent Court, it was felt by the American delegation at the Second Hague Conference that a further step might be advantageously taken in creating facilities for the peaceful settlement of international disputes. A new court was therefore proposed of a truly permanent character, to be composed of professional judges who should hold regular sessions each year and be at all times prepared to exercise their functions.

The result was the adoption of the draft of a Judicial Arbitration Court, more popularly known as the Court of Arbitral Justice, which, however, failed of adoption as an actual international institution owing to the inability of the Powers to agree upon the manner of its composition.

This court, it is held, would possess several distinct advantages over the temporary arbitration tribunals previously resorted to. In the first place, the judges of the court would be in regular session at certain periods of the year, so that much of the delay incident to the constitution of special tribunals would be avoided. In the second place, the same judges would hear case after case, and thus be able to apply the same principles of law to cases presenting similar facts. The rule of precedent would thus come to control the decisions of the court, continuity would be given to its opinions, and as a result international law would be developed in much the same manner as the municipal law of each state is developed by the decisions of its judicial tribunals. In the third place, it is urged with particular emphasis that arbitration proper too often results in a compromise, and that the arbitrators are more concerned with finding a way of peaceably adjusting the dispute before them than with rendering a decision upon the precise merits of the case. While a decision by compromise may in many cases be desirable, there are, it is contended, many questions at issue between nations to which definite legal principles can be applied, and in these cases it is the proper function of the court not to split the difference in an attempt to satisfy both parties, but to decide strictly according to the law.

Now, a permanent court, acting in accordance with judicial traditions and impressed with the responsibility of a body whose functions are continuous and whose decisions go on record as a whole, will be far more likely to work out a consistent rule of law for the decision of similar cases, than to seek merely to adjust the dispute so as to satisfy both parties. The force of this argument must be admitted; but in answer to the charge that arbitrators have frequently taken the easy road of compromise, it is but fair to say that in many cases the resort to compromise has been due not to a preference for that form of settlement, but to the fact that the arbitrators were at a loss to discover a legal basis for their decision. Should an international legislature, whether in the form of Hague Conference or otherwise, succeed in enlarging the domain of international law by defining its rules more in detail, the international court will find little difficulty in choosing in favor of a legal decision as against a compromise.

Notwithstanding the distinct advantages offered by the Court of Arbitral Justice, it was, as has been said, impossible to reach an agreement at

the Hague as to the composition of the court. To constitute a court of forty-five or more judges, one to be appointed by each of the states, would have been to reduce the proposal to an absurdity, and yet the majority of the smaller states were unwilling to admit any method of appointment which would infringe upon the principle of the equality of states. Various schemes were offered for the selection of a court of a smaller number of judges, the one emanating from the subcommittee in charge of the draft being a plan for a court of seventeen members, to be established for a period of twelve years, consisting of eight judges nominated by the great Powers for the full period, together with nine judges appointed by the other states according to a rotation which allowed longer or shorter periods of representation according to the relative size and importance of the respective states.

Precisely the same problems were presented there as Professor Minor has just been discussing in regard to the composition or organization of an international legislature. On the one hand, the equality of the states was insisted upon by the smaller and younger states of the world; and, on the other hand, the great Powers demanded larger representation corresponding to their power and influence.

Another plan attempted to meet the crucial difficulty of an unequal representation of the states by the formation of a series of electoral districts in which the smaller states were grouped together for the appointment of a single judge, while the larger states were to appoint each their own judge. Still other plans contemplated a court of some fifteen members chosen indirectly whether by the Conference itself, or by the existing Permanent Court, or by some other intermediary board; but since such a method would deprive the great Powers of a direct representation upon the court, the proposals proved unacceptable.

Dr. Hans Wehberg, in his recent volume entitled, *The Problem of an International Court of Justice*, argues convincingly in favor of an indirect method of appointment as being most consistent with the idea of a court representing, not the individual parties to the dispute, but the community of nations at large; and he distinctly rejects the plan of a representation of states upon the court. On the other hand, Professor Schucking, in his treatise on the *International Union of the Hague Conferences*, thinks it both reasonable, as consistent with historical development, that the great Powers should have a larger representation upon the court because of their greater interest in its establishment, and expedient that the smaller Powers should sacrifice a formal equality for the sake of an institution from which they will receive the greater protection. Dr. James Brown Scott, to whose

untiring efforts the adoption of the draft at the Second Hague Conference was largely due, proposes the creation of the court for the smaller group of Powers who are in favor of it, leaving it to the other states to have recourse to it subsequently if they so desire.

Indeed, I can hardly speak of the Court of Arbitral Justice without encroaching upon phrases already copyrighted by Dr. Scott, so familiar are we with the arguments that he has been putting forward for the last eight years.

That the difficulty is a real one must be conceded; that it is insuperable can certainly not be claimed. A spirit of coöperation based upon the relative insignificance of the interests sacrificed by comparison with the important advantages to be gained from a permanent court would make it relatively easy to secure a compromise of conflicting interests.

And I think that the compromise proposed by Professor Minor, to give representation on the basis of the white races and allowing one-third of the number of the colored races, is one of the possible plans that might be adopted.

To what conclusions, then, are we led? Shall the court of the new era of international reconstruction be modeled upon the lines of traditional arbitration tribunals, with their free choice of judges, with their temporary organization and their special rules of procedure and individual interpretation of international law and equity? Or shall it be modeled upon the lines of the Court of Arbitral Justice and be made to approximate, in respect to permanence and composition, to the supreme courts of federal empires? The choice of one or the other of these two plans will depend in large part upon the attitude we take towards what is the chief and perhaps most fundamental problem of all, the question of substituting for the present voluntary resort to the court some element of obligatory jurisdiction.

The idea of compulsion in international relations has met with strong resistance in the past. At the Second Hague Conference earnest efforts were made to secure the adoption of a convention providing for compulsory arbitration in a limited number of cases, none of which could be said to involve the "honor or the vital interests" of the parties, but the attempt was without success. The conference was, however, willing to go on record as "admitting the principle of compulsory arbitration" and favoring the unrestricted submission to arbitration of certain classes of disputes, in particular those relating to the interpretation of international conventions; but as it was not found possible to conclude a convention to that effect,

the pious wishes expressed by the conference were to the wise a confession of failure.

The difficulties in the way of compulsory arbitration are, it cannot be denied, very real ones. A court of obligatory jurisdiction, even though it went no further than to hear cases relating to the interpretation of treaties, would involve a serious infringement upon the jurisdiction of the highest national courts and necessitate a revision of the constitutional law of many of the states. But this domestic complication could, no doubt, be adjusted without serious opposition. Far more real, if it be not actually insuperable, is the difficulty of securing an agreement between the nations to renounce the right to withhold from arbitration that special group of cases which are said to involve "honor and vital interests." Now it must be frankly acknowledged that unless it be possible to secure an agreement to submit such questions to arbitration, it is idle to attempt to construct an international court; for these are the very questions which have led to wars in the past and will continue to lead to wars in the future. While it may have been wise in 1907 to seek to accustom the nations to the idea of judicial settlement by slow degrees, in the face of what has since happened we should be evading a solemn duty if we were to be satisfied with anything less than a general arbitration convention covering every dispute without reserve. This unrestricted obligation to arbitrate is the very corner stone of international reorganization.

The method by which the jurisdiction of the court may be made compulsory is a problem intimately associated with the executive organization which is to be part of the new era of international relations. It is one of the revolutions of opinion brought about by the present war that the idea of a league of nations to secure the peace of the world, which was not so much as discussed by the Second Hague Conference, has now been accepted in principle by the leading statesmen of America and Europe. Whatever form this league may take, its first task must be the creation of an international executive arm which shall be the authority behind the international court, both to compel the appearance of the disputants before it and to enforce the decision of the court when rendered. Doubtless this task will seem more within the range of possibility if we associate with it the duty of the international legislature to define more accurately the rules of international intercourse, and thus to lessen gradually the number of political disputes by bringing their subject-matter within the domain of international law.

Assuming that compulsory arbitration will become an actual fact in the future reorganization of the world, we can choose with less difficulty

between the various proposals for the composition of the international court. Even under the shelter of a league of peace, and with the guidance of an enlarged and more definite code of international law, it is too much to hope that political disputes will be in every case converted into legal ones. And if political disputes still continue to arise between the nations, it would seem that M. Bourgeois, words at the Second Hague Conference will be as true in the future as now, that nations will be unwilling to go before a court of arbitration in such matters unless they have had a final voice in the designation of the members composing the court.

On the other hand, the arguments in favor of a more permanent court for the settlement of disputes readily susceptible of legal decision are so convincing that it would seem quite feasible to follow the proposal of the Second Hague Conference and set up such a court side by side with the temporary arbitral tribunals created for political disputes. No doubt the permanent court, enlarging its knowledge with its experience, would in due time extend its influence and come to command such respect that even political disputes would be submitted to it. But this would be a matter for voluntary action on the part of the nations, and nothing would be lost in allowing them to take their own time in choosing which of the two systems seemed best fitted to their needs.

I hope I have made clear, therefore, the intimate connection between the international judicial organization and, on the one hand, the international legislature, whose duty it will be to define the law applicable to the case, and, on the other hand, the international executive arm which shall compel the parties to come before the court, and see to the execution of the award when rendered. We must bear in mind that the more international law is defined by the international legislature, the clearer its principles become, and the more certain a nation can be of exactly what are its legal rights and duties, the fewer disputes will arise between nations, and less often will there be a claim that a particular dispute involves the honor or vital interests of the nation at issue.

I have a few minutes more time than I thought, and I want to use them for an illustration which will make my meaning clearer. It seems to me that about the best example that can be presented at the present day of an international dispute which involves the honor of a country — and is, therefore, not to be submitted to arbitration, as many claim — is the issue of the indebtedness of the United States to Colombia for the tract of land used for the Panama Canal. Many persons insist that we cannot arbitrate that dispute at present with Colombia, because if we did arbitrate it we should be confessing that we did a grievous international

wrong, and that it would be an infringement of our honor if we were to admit that we had done a wrong. Now, putting aside the question as to whether a confession would be out of place — whether, if we have done a wrong, we ought not to admit that we have done it — I think I can lay down a legal basis for the arbitration of that question which would make the case involve in no way the honor of this country. Suppose the issue between the United States and Colombia, as to whether we should pay her an indemnity, were put, not upon the ground that we helped Panama to get free and then secured the Canal from Panama, because on that ground we have no case, as the precedents in international law are all against a nation helping a revolting colony to win its independence and then getting from the colony what it could not get from the mother nation; but put it on another ground and state that the question is: Has any nation holding a strip of land suitable for a canal and which it cannot itself develop, the right to hold it back from the use of the world until it shall receive a stipulated sum of money? Have not all the nations of the world a sort of international servitude upon that strip of land, by which no one nation can stand back and hold it selfishly, unable to develop it itself, and yet unwilling to sell it to others, except at a high price? If the issue were thus presented, it would raise the question: Is there any such thing as an international servitude over strips of land suitable for international canals? The court would say "There is no law; we have not yet developed a law. We know such restraints are not right in private law; we know that one man cannot hold back access to a navigable river or access to a highway, and if he sells land back of a highway, he must afford a right of way to the road; but we have no such law between nations." If that question, I repeat, were presented to the court, the chances are it would say merely that there was no law, that it could not solve the question, and it would propose possibly a compromise. At any rate, I claim that that case could be submitted to arbitration without involving in any way a confession that we were wrong. If the court held that there was an international servitude over such strips of land, then we should have been right. On the other hand, if the court held that there were no such thing known heretofore as an "international servitude over strips of land," the case would go against us, and we should pay the ten million or fifteen million dollars, as the case might be, but without in any way reflecting upon our act in assisting Panama.

Such is the nature of the judicial organization which it is within the power of the nations to bring into being at the close of the present war. Can it be that the nations will refuse to make the sacrifices necessary to

accomplish an object upon which their highest welfare depends? The experience of our national life has convinced us that it is better on the whole to submit to judicial processes, even though from human frailty justice may not always be done in the individual case, than to engage in an endless struggle between man and man. We have disciplined ourselves as citizens of the state to be willing to sacrifice something of our material prosperity for the sake of the maintenance of law and order in the community. Is it too much to hope that the nations will be ready to exercise similar self-restraint, where the appeal is so much more compelling, and the failure to act fraught with such disastrous consequences? Can we invest somewhat heavily in the present for a hundredfold return in the future?

The CHAIRMAN. We have had two very interesting papers on a very interesting subject, dealing with international organization — one dealing particularly with the legislative department; the other with a judicial department.

The questions, in their entirety, are open for discussion.

Senator HENRI LA FONTAINE. Ladies and gentlemen. I will refrain from indulging in any extended observations; but I think that we are nearer a legislative and judicial organization for the consideration and settlement of international affairs than most people think. There is no doubt that the rulers of the world, at least, of the Allied countries, are in favor of some kind of a league or society of states. At the First and Second Peace Conferences at The Hague there was some sort of judicial organization started, the International Court of Arbitration, which evidently is not a court like the judicial organizations created for the settlement of disputes among individuals. But at the Second Peace Conference the American delegation, of which your Chairman was one of the most active members, took a prominent part in drafting a proposition for a permanent international court. It was called, as you will remember, a Court of Arbitral Justice, but the great difficulty, which confronted it, was, of course, the problem of the selection or choice of the judges. Now, a great many propositions were made. If I recall correctly, at The Hague there were about sixteen or seventeen propositions made, but there was one which was advanced by the American delegation — Mr. Choate proposed it at that time — by which the principle of equality of states was maintained and the certitude was given to the states that the fifteen or seventeen judges of the court would be the most prominent men all over the world in international law. I have thought about that proposi-

tion, and I have conceived some small changes, which I believe will afford a complete solution of that very difficult question.

The first change I suggest is that candidates for the fifteen judgeships should be nominated by each state; each state should propose fifteen candidates, but only five candidates of its own nation, thus obliging the electorate of each state to choose from among the most distinguished jurists and most profoundly learned men in international law all over the world; the second change is that, of the names thus chosen, those who had obtained the adherence of at least five states would be placed on a list, and from that list all the states would elect the members of the court. I am firmly of the opinion that by such a system the most prominent jurists would be chosen, because all the states would have a very deep interest in having the personnel of the court representative of the most learned men in international law, from whatever state they might come.

Now, I think that some of the states are not so anxious, as it was claimed, to have their own judges in the court. If I remember aright, Mr. Choate made the observation, not in a public session but in private conversation, that the American delegation and the United States of America were willing to submit their cases to any court, even though none of the judges was an American. In your own country you have the Supreme Court composed of only nine judges, and on which, obviously, all of your forty-eight States could not have representation; yet a small State or a large State is altogether content and satisfied to bring its disputes before that court, and is not at all apprehensive that the judges will not render a decision in entire accord with the law, and one which will do equal justice to all concerned; and I hope that same spirit will inspire the nations of the world in the establishment of an international tribunal. I am sure that the democratic states of the world, after this war, will be willing to accept such a solution, as your nation has done. Your nation will take such a prominent part in the discussions after this war — in the conferences for peace — that you will have a splendid opportunity to endeavor to impress the fairness and equity of the system which you have adopted upon the other states, and I feel very strongly that the representatives of Great Britain, for example, and of France will certainly be willing to accede to that proposition.

Now, I come to the other part of the question which is now before us — the question of a legislative body. It is my opinion that such a body exists already. The Peace Conferences at The Hague were indeed the meetings of a legislative body. Those two conferences are the only

occasions in history when diplomats have come together to discuss and agree upon the law for the future. All previous conferences have been for the purpose of attempting to solve difficulties arising out of existing disputes or previous wars; but at The Hague for the first time in the history of the world men came together to make law — and they made law. The constitution of the International Court of Arbitration is a law; it is not absolute law, but yet it is law. The whole procedure of that court was prepared very carefully and in great detail, and this also is law. However, I feel that if we should bring before the nations at this time, under stress of international strife, the difficult problem of an International House of Representatives, the obstacles that would be encountered would render it impossible to arrive at any satisfactory solution. So, at this time, I think we must be satisfied with what was done at The Hague, and the step farther to be made is to try to perfect what was accomplished there.

In a book which I have recently published I have tried to explain what can be done in that direction and how it can be done very practically and very speedily. The First Peace Conference was truly a diplomatic gathering, the deliberations and conduct of which were circumscribed by a set program. At the Second Peace Conference the formal program was dispensed with and new questions were introduced, as though it were in fact a parliament, and it is indeed very interesting to remark what was done there. At the First Peace Conference when certain proposals were advanced, the president at once said it was impossible to consider them; that they were not in consonance with the diplomatic character of the gathering, and therefore had no proper place in its deliberations; but at the Second Peace Conference, when the proposition for a Court of International Justice was advanced, no one opposed it, and it was carefully considered. That was indeed a parliamentary rather than a diplomatic proceeding.

Now, another question, and a very important one, is the question of publicity. At the First Peace Conference all publicity was prohibited. Nevertheless, some men who were interested in the topics under discussion came there seeking for news, and to some extent, at least, the world was acquainted, through them, with the difficulties that had arisen and with the progress that had been made. However, at the Second Peace Conference, when the question of publicity was raised, it was decided that the press and the public should be admitted to the plenary assemblies and be fully informed about the work done in the commissions, so that a second characteristic of a parliament was thus introduced into that diplomatic gathering.

The third question is that of majority rule, — a ticklish and very disagreeable question. In all diplomatic affairs, as you of course know, the weight of one nation is as great as that of all others; and at the Second Peace Conference, as at the first, the Central Powers, now engaged in war with the Allies and very strongly opposed to compulsory arbitration, were able to veto the vote of an overwhelming majority. Now, I feel that it will be possible, in the next gathering of that kind, to introduce the principle that the majority should have the power to act for the majority, if not for the minority; that the majority of the states may accept such international law as may seem useful to them. Why could not the majority adopt an international law, to be applied to and binding only upon the majority, and not upon the minority? In international affairs we have a great number of international conventions which are binding for only a limited number of states. Why should states, when they are members of an international conference, be despoiled of that right?

I think it is unnecessary to bring up now the very important question of the sovereignty of states. I am, of course, in favor of the limitation of that sovereignty, and I think it will come with time; but I also believe that it is possible to obtain the same results by declaring that the majority at the next Peace Conference, or of the legislative body which will be organized after this war, may bind the majority of the states, and then leave the conventions adopted open so that the other states, which are not willing to come in at first, may come in later, if they wish. It may also be well to provide that such "majority" shall be constituted by the representatives of at least seven-tenths of the population of the world. Such a provision may be added, so as to be sure that when measures are accepted, they are accepted by the largest part of the world, thus being sure that nations such as Russia and Great Britain with her colonies, representing nearly six hundred million people, and China also, which is very willing to be progressive, with nearly four hundred million people, and all the democratic states, will compose such a majority, and form what we might call the "international public opinion." When such a majority accepts a decision or law, public opinion, in the nations which are not willing to come in at once, will exert its influence. I feel, therefore, that perhaps it would be more politic not to ask too much at once, but to make progress gradually in the way I have suggested.

With regard to the propaganda to influence public opinion, I think we should first explain what is our aim, what is the ideal for which we are striving. Every great change in the history of the world has only been brought about by the exercise of great patience and care, and it is indeed

a slow process of evolution; but I feel that once the public in general is acquainted with our purposes and our real ideals, they will support them. The world is already internationally organized, although it is not well organized. What is very important is the fact that Mr. Schücking, of whom Mr. Fenwick spoke for a moment, is one of the most prominent authorities on international law in Germany and represents our point of view in that country with other prominent personalities. It is very encouraging to know that we can reasonably expect after this war the hearty support of men, citizens of all the belligerents nations.

Professor THEODORE P. ION. I should like to make an observation regarding Professor Minor's suggestions. I do not know whether it is practicable in this century to have a conference of all the nations, but if it is possible, let the civilized states first agree between themselves to have a tribunal on the principle of equality, and then gradually get the uncivilized states in line. It will be impossible now to get all the Indians, Africans, and so on, to give up their views; that would be altogether impossible. Then, another thing, if we should attempt representation as Professor Minor proposes, there might be a conflict between the people of the colonies and their mother countries. Take Great Britain and her Indian possessions with three hundred million Indians, and then a great many Africans. Those people, if they should come to a conference as representatives, might vote against Great Britain. Therefore, in such cases, it would be proper, I think, to give to the states so many votes, and let the states regulate the number of representatives to be chosen by their colonies. I think that the only thing which can be done in the twentieth century is to include all the civilized states, if possible; first, the European states, then the United States, then some of the other American states, and gradually get in the other states.

The CHAIRMAN. Gentlemen, is there any further discussion on either phase of this question?

Mr. DENYS P. MYERS. Mr. Chairman, there is a point raised by this matter of representation which I think it might be well to present relative to precedents already in existence. It is well known that there are about fifty international organizations existent in the world, the best known of which are the Universal Postal Union and the Universal Telegraphic Union.

Now, the question of unequal representation has arisen in some seven of these unions, namely, the Universal Postal Union, the Universal Telegraphic Union, the International Radio-Telegraphic Union, the International Bureau of Weights and Measures, the International Institute of

Agriculture, the Bureau for the Publication of Customs Tariffs, and the International Sanitary Office. The principle of representation that has been adopted in them is well illustrated in the 1906 conference which organized the Radio-Telegraphic Union. The question came up as to what control the self-governing dominions of the British Empire were going to have over wireless telegraphy in their own possessions. The self-governing dominions of the British Empire are rather an anomoly in international law; they exist from the point of view of international law as part of the United Kingdom of Great Britain and Ireland; but, as a matter of fact, they are entirely self-governing, and, as we know, Canada is hardly distinguishable, even to the extent of making its own treaties, from the United States. There are four others: the Union of South Africa, and the Commonwealths of Australia, New Zealand, and Newfoundland.

In some of the earlier unions the principle had been adopted of permitting colonies to have representation on a purely physical basis. In the Universal Postal Union, for instance, it was a simple matter, as far as Canada was concerned. Canada had its own postal service, and the Universal Postal Union is the union of the postal administrations, rather than of the states; so that it was a simple matter to permit Canada to be a member of the Postal Union by the simple process of admitting her postal administration, and letting her pay a quota commensurate with the size of her postal business.

The question came up at the Radio-Telegraphic Conference in 1906 in a more acute way, and after careful discussion, some of the self-governing dominions were admitted. In 1912 there was a Second Radio-Telegraphic Conference, and the Powers raised the question there. The 1906 conference had had this effect: Great Britain and her self-governing dominions had acquired six votes in the conference, whereas France and Germany and Russia and the United States and the other great Powers were laboring along with one vote. They did not particularly mind the fact that Great Britain had a total of six votes; but they wanted to break even. So the matter was discussed and the solution that was there adopted was to give the great Powers a number of votes equal to those that Great Britain and her self-governing dominions already possessed. At present, therefore, in the Radio Telegraphic Union the United States has six votes, and Alaska, American Polynesia, the Philippines, the Panama Canal Zone, Porto Rico, and the American West Indies, are set down as our colonies. Now, each of them will be entitled, in any future Wireless Telegraph Conference, to cast one vote. Doubtless, the delegation will be simply an American delegation, but it is not at all improbable that the Philippine Islands might

have some special interest of her own to serve and would insist on being represented in the delegation, if not on sending actual delegates.

From another phase of the same question, this matter of self-governing dominions has been developing very rapidly in Great Britain. In 1897 there was a colonial conference. It happened that the far-flung British Empire encountered colonial problems that could be best settled by bringing the colonial administrators together. There was another one in 1901, and there was another one a little while later; and the one in 1911 blossomed out from a colonial conference to an imperial conference. The prime ministers of each of the self-governing dominions of the British Empire attended that conference, and they told the government that at the next diplomatic conference — the Second Hague Conference had just passed then — they were going to be represented in the delegation, and the Government caught the spirit of it before they had entirely phrased it, and Mr. Asquith informed the conference that, in accordance with its desire, the Government would give this kind of encouragement — I quote only from a memory of some standing — that the self-governing dominions would be permitted to appoint members of the delegation of the British Empire for future diplomatic conferences; and the Government gave the encouragement that any documents signed at those diplomatic conferences would not be ratified by the British Government, except after consultation with the self-governing dominions and learning their desire in the matter.

Now, it seems to me that these precedents, while they may not be at all the line on which future development will take place, are, nevertheless, very interesting to know of, because they indicate that some consideration and some attempt at solving such problems as we have been discussing here have already taken place on the international plane.

The CHAIRMAN. Gentlemen, the subject is still open for discussion. (After a pause.) If there is no volunteer, the method of conscription will be resorted to. There is no volunteer. The Chair suggests that the small but select congregation will be very much obliged to the Hon. David Jayne Hill, if he will consent to address them on either phase of this very large and interesting subject. I have the very great pleasure of introducing to you Dr. Hill.

DR. DAVID JAYNE HILL. Mr. Chairman, this is conscription with a vengeance. I had just come in to hear the other speakers; not to make a speech. Without the least thought in the world of participating in this very interesting discussion, I want to express my interest in the remarks of the last speaker. He has brought to our attention a phase of the matter, which is of extreme interest. If we are going to have a democratic

world, we must have a means for the people in that democratic world to express themselves. Hitherto they have had only a limited opportunity to do so. I think that if there ever is again — and I am sure there will be — an international conference, it will be of a different kind from the two conferences which stand forth as types of great international law-making conferences — the two conferences at The Hague.

As I look at it, to express the content of my mind very briefly, you can never again, until there are profound changes in the world, have a real universal conference. There will have to be a conference in which the participating states can stand upon some common ground. I think that if there is to be in the future a permanent series of conferences, we shall have to begin with a somewhat formal basis, in the nature of a constitution. You cannot gather all mankind together to discuss all sorts of subjects with the hope that you will evolve out of that medley anything practical and acceptable. There must be a certain unity and definiteness of purpose, and the way to attain that is to lay down certain principles which are inviolable and which secure to all the participants certain rights and immunities which cannot be taken away. That is the first necessity, if we are to be governed by majorities — and we shall have to be governed by majorities in matters of international legislation, if we are to make any progress whatever along that line of development.

The weakness, the disappointment, the perfect disillusionment of the Hague Conferences consisted in the fact of the veto — the possibility that after months of conference and thought and labor, such as some of the gentlemen present now put into that second conference, one or two Powers could disappoint the issue and prevent anything being done along those lines. I hope we shall not come back, in a military sense, when this war is over, to a balance of power, nor in a legal sense; but that there will emerge out of it a preponderance of power that will be able to stand together to defend itself materially and to lay down rules of international conduct that will be obeyed by the greater portion of mankind.

Now, to do that, as I have said, you must first lay down certain general principles guaranteeing certain immunities, and that is particularly true with regard to the judicial as well as the legislative principles of international effort. I think the great conspicuous reason why so many nations are reluctant to have matters of importance adjudicated by a neutral court, is that there is no law on the subject, and we do not like to subject great issues to the mere private opinions or individual judgments of men; and we shall have to proceed, first, by laying down broad principles of a constitutional nature which are prohibitive as well as creative of legis-

lative powers; and then proceed to certain specific and definite acts of international legislation, which we probably never can attain except on the principle of majorities.

We are willing in this country to submit to majority rule, because we have a certain constitutional protection. We are willing to submit to national legislation because we have a national constitution; and the States, the local communities, which differ widely in their interests and in their views, are willing to submit to State legislation, because they have in the State constitutions lines of prohibition beyond which the legislative bodies cannot go. If we had no such provisions, I think that neither as a nation nor as separate States would we be willing to be governed by absolute majority legislation. We want these secured immunities as the first step of advance, and we may then very well submit to majority decisions, whether of a legislative character or of a judicial character, so long as they keep within those limits.

These ideas, Mr. Chairman, spring very naturally from our experience in our own form of government, which I consider to be the most remarkable, as it is entirely unique, in the history of the world. The problem of democracy was never solved until it was solved in this country, — first in our State constitutions, and then in our Federal Constitution. But this kind of democracy is fitted to spread over the whole world, wherever there is a reasonable degree of intelligence, and it is the only kind of government, except some form of absolutism, that can be trusted with the destinies of mankind; and absolutism is that which is intolerable to us — which we purpose to efface from the earth. There is no other substitute, either for an individual nation or for the nations as a totality, for this idea of ground principles that are limitative and prescriptive, in a constitutional form, as a basis. A system of legislation may be built up within those limits, and then judicial action exercised in applying the accepted law.

Mr. ARTHUR G. HAYS. May I ask Dr. Hill a question?

The CHAIRMAN. Yes, sir.

Mr. HAYS. I want to ask if in England they did not have majority rule without those constitutional limitations?

Dr. HILL. They did, sir; and that is what we rebelled against.

Mr. HAYS. I mean, that is what they have today?

Dr. HILL. They have.

Mr. HAYS. And it works there all right? People do not find these constitutional limitations necessary to protect them from any dangers of power?

Dr. HILL. There are many traditions with respect to power in the English Government, and there are conservative institutions which are characteristic of the English people and of the English character, which cannot be found everywhere else, and while a parliamentary democracy may work very well in England, with their long political experience, with their definite traditions, and with the qualities of the English mind, there is no assurance that it is capable of universal application, and that, in my opinion is the ground of the difference between this complex and highly diversified nation — the melting pot of all the nations of the earth — and a race like the insular English race, or the self-governing colonists that have gone out from England. Does my answer meet your point in any degree?

Mr. HAYS. Yes, sir. I wanted your explanation of it, that is all.

Dr. HILL. It is only a question of opinion.

The CHAIRMAN. Gentlemen, I think you will agree with me that conscription, at least in the intellectual field, is justified by its fruits, and, without putting the matter to a vote, as Mr. Hill has confessed his faith in absolutism as at least one of the forms of government which the world will tolerate, because it has tolerated it, I am going to exercise the discretion, which is only another name for the "tyranny" of the Chair, in calling upon a distinguished jurist of a self-governing colony. We have heard a great deal of self-governing colonies this afternoon, or rather of self-governing dominions, and, without asking him to volunteer, I draft, I conscript, Mr. Justice Russell, of the Supreme Court of Nova Scotia. Will you come forward, Mr. Justice Russell?

Mr. JUSTICE RUSSELL. Mr. Chairman, I think I would perhaps feel a little more at home, if you would allow me, as a new recruit, to stay where I am. I once heard a story told of a couple of elderly spinsters who had gone to confession, and when they met the Reverend Father, there was an old lady there with her little boy, who was also in trouble, and she had something that she wished to tell his Reverence; and it turned out the old lady's difficulty was that her little boy offended and annoyed her a great deal by constantly turning handsprings, so she was making her complaint to his Reverence and asking for consolation and direction in the premises. His Reverence had never heard of such a thing as a "handspring," and wished to have an illustration of it; so the little boy was allowed to go spinning from the head of the hall to the foot of the hall. The two old spinsters, who were looking on, were struck with amazement, and wanted to know what in the world he was doing, and then one of them said to the

other, "It is some new penance that His Reverence has devised; let us be going."

The CHAIRMAN. The application of that story is "let us stay."

Justice RUSSELL. When I heard you calling upon our distinguished friend and jurist, who has just addressed us with such illuminating eloquence, I was in the position of the aged spinsters, and I was just about to say, "Let us be going," although I was too modest to believe that there was any cause for fear of the lightning striking anywhere in my direction when you got to talking about the independent colonies of Great Britain; but I thought I would get out of it in the way Sir Wilfred Laurier got out of his difficulty under somewhat similar conditions. When he went to the Diamond Jubilee, he was called upon by the mayor of one of the cities to make a speech. He had a speech that was to be delivered on a different occasion, and he said, "Mr. Mayor, there is one thing that I have learned about England, and that is it is, above all other things, a law-abiding country. The law is that I am not to speak here to-day, but on some other day, and I, as an obedient subject, will suffer the burden of that law."

If I were to sayany thing here to-day, I think it would be simply to say "Amen" to everything that was said by the distinguished gentleman who just occupied the floor a moment ago. The question that was asked of him I think I probably would have answered in exactly the same way. Perhaps, I would have gone just a little bit farther and have said that even in the Kingdom of Great Britain and Ireland, perhaps, the want of constitutonal limitation or the absence of constitutional limitation has not worked out to absolute perfection; and that in Ireland they have had quite recently to pass through the agonies of a Sinn Fein rebellion, as a result of which a number of persons had to be killed, while other great calamities were at that very moment baffling the Empire.

As to the so-called "self-governing communities," everybody in those communities knows that there is absolutely as little interference with their internal affairs by the home government as there is by any outside authority in the affairs of the United States; and that any attempt of the home government to exercise any governmental authority over any one of those colonies, — I suppose, certainly, over the colony of Canada or the Dominions of Australia and New Zealand — would certainly be followed by a severance from the Imperial Union. I think everybody recognizes that. At the same time, there are laws that are made by the Imperial Parliament, in the making of which the self-governing dominions, whether as a matter of choice or of custom, it is pretty difficult to say, do not ask any

voice in at all. The Merchant Shipping Act, for instance, is an act of the Imperial Parliament, about which I do not think any colonial authority ever sought or was ever accorded a single voice or a single word in its framing; yet, everybody submits to it because they know it is absolutely rational and sensible, equitable and just; and I do not believe that there is any Imperial Parliament in these days, since the decease of the late lamented George III, that would attempt to pass an act affecting any of the self-governing dominions, which would trench upon their interests or even their sentiments in any possible way, without, first of all, being dead sure that it had the consent and full approval of the colony or the dominion in question. That is the way we solve our inter-imperial questions. There is what is called a "Round-Table" movement by a number of very enthusiastic and zealous thinkers, throughout the Empire, in New Zealand and Australia, and in Canada as well, who are looking forward to some sort of a more definite arrangement between the mother country and its various colonies. But so far as my impressions go, I do think that the majority of people are very much better contented in all these dominions and all these colonies that there should be the present loose understandings and conventions between the home government and the governments of the dominions and the colonies; that it is far better that they should remain in the elastic form in which they now stand, than that there should be any rigid and binding written charter to bring them together in any more technically exact relation with one another. I think, Mr. President, that is the way the majority of the people of the self-governing dominions feel about that matter. Perhaps I attribute that opinion to other people. We are, all of us, egotists, I suppose, and perhaps I attribute that opinion to other people because I entertain it so strongly myself. That may be. We all think more of our opinions than we do of the opinions of other people, and we are very apt to attribute to other people the opinions that we entertain, because we give credit to other people of having the intelligence and soundness of view that we know our opinions are based upon, so altruistic and unselfish are we all.

Really, I hope I will not live to see the day when there shall be any other arrangements or feelings — I mean to say, "constitutional arrangements" — between the mother country and the dominions, than those which now exist. They constitute a union of hearts, and I have often and often thought that I would be willing that the relationship between the mother country and her self-governing dominions should be even looser than it is to-day, if it would have the effect of enabling those self-governing dominions to come into closer relations of heart and soul and mind with

the other great nations and aggregations of people with whom we are surrounded. I would give up, in a moment, for my own part, whatever constitutional tie there is between Canada and the mother country, if I could see that it would bring about a stronger relationship and a deeper affection and better mutual understanding between Canada and the great Republic to the south of her than has existed for some time past. Those are my feelings. And I venture to hope — I cannot answer for them all, because I know that there are some of our people, north of the line, who still think that the War of the Revolution is not entirely settled at this moment. But they are an infinitesimally, unimportant element, I think, of the people of the country to the north of you. We find the chief differences between the two countries mostly useful to fetch out once every five years for purely political purposes; everybody understands that that is all it is. It is like what Carlyle one time said; it is just like the complaint of the man who said the sun was no good because it would not light his cigar. Thus, these great questions of difference are used for the purpose of lighting political cigars, and that is all the real value they have; they are entirely useless for any other purpose than that. I am sorry that you conscripted me.

The CHAIRMAN. Is there a desire to have this process continued, or is it your pleasure to escape from the throes of conscription?

Mr. MYERS. It has been moved, Mr. Chairman, that the Chairman himself be conscripted.

The CHAIRMAN. I would like to refer to one thing that Senator La Fontaine mentioned, and of which I am very proud. It is a fact that the American delegation did say, when the question of judges was under consideration, that it was not there to obtain any office for any one of its citizens and that it would participate in the proceedings of an international court, should it be established, even though the nations, in their wisdom, should not select a judge or a jurist from the great Republic; and I would like to make my only contribution to the proceedings of this afternoon by saying that it was my very great pleasure, on behalf of the American delegation, to make that remark, although in the printed proceedings, I believe, it was attributed to Mr. Choate.

I am quite sure that I voice a very general feeling that we would all be pleased if a member of the Society, who is from St. Louis, and who has, constantly honored us with his presence, would be good enough to express his views on the subject. Would Mr. Eliot gratify us for a few moments?

Mr. EDWARD C. ELIOT. Mr. Chairman, and ladies and gentlemen: Naturally, I look upon this question of the formation of a federation of nations somewhat from a legal point of view, as that has been my training. I think that if anything is indicated by the present situation and the opinions of the peoples of the world, as they have lately been expressed, it is that there is to be some action of some kind, among the nations, which shall approximate a federation, the fundamental purpose of which will be to maintain order, — that being the prime consideration which the people will regard. I was most pleased to hear Mr. Hill express the view that the foundation of such an organization is the laying down of certain fixed principles of right, which must be the basis of the relations of nations when they come together in that way. The paper which was presented by Professor Minor, with respect to the legislative program, impressed me very greatly, because it made more plain to me than I had ever apprehended before, the very great difficulty that there is going to be in the establishment of any real legislative assembly of the nations. I think the difficulty is greater there than it is in the establishment of a judicial tribunal, and I apprehend that a further difficulty, great in its nature, will be the laying down of a system of international law broader than that we have been able to recognize as in existence heretofore.

Now, it seems to me very clear that the nations of the world will have to move somewhat slowly along these lines; that they will be unable to make any extensive program at once. It is probable that they can go no farther, in the first instance, than to have a clear understanding among a comparatively few nations, which are in perfect accord, — a willingness to yield something of their respective sovereignties, in order to maintain an honorable peace relationship among themselves. But thereafter there may develop an adherence to such plan as they may be able to devise, by other nations which may not be in quite the same advantageous position as these original nations. I think the whole matter is very important, and my own position is that I am willing to join in and to advocate a league of peace, or any conference of nations — any organization which may have that ultimate object in view, although we may have little appreciation of just the form it may take. But thinking must be done, the fundamental principles must be understood, and when this war is over, we, with the rest of the publicists of the world, ought to be ready with concrete ideas to assist in bringing about an organization which will serve to eliminate or at least partially cure the evils which are now menacing the world.

The CHAIRMAN. Without at all going back upon the decision I made a moment ago in regard to myself, may I say just one word, before suggesting that we adjourn, in confirmation of what Dr. Hill so admirably said? Dr. Hill referred to the experience of the United States. Might I be permitted to dwell upon that one moment, from the international standpoint merely?

When on the 4th of July, 1776, the political communities whether they be called "colonies" or "states," declared their independence of the mother country, and assumed among the nations of the world an equal position, they were held together in a loose and unexpressed union by pressure from without. They attempted to give some formal expression to their unity by a system of government known as the "Articles of Confederation," declaring, in the second of these articles, that each of the States was sovereign, free and independent, and entitled to the exercise of all powers which had not been expressly delegated to the United States in Congress assembled. When, for reasons which I shall not trouble you by attempting to mention or to enumerate, that form of union proved inadequate to their needs or their desires, they formed a more perfect union by sending to a convention, specially called for that purpose, in Philadelphia, delegates to represent them; and as the result of weeks and months of discussion, they agreed upon a document which, when submitted to each of the States, and ratified by each of them, became binding upon those States, and is known to-day, as it was known then, as "The Constitution of the United States of America."

Now, gentlemen, in lending my feeble authority to Dr. Hill's statement regarding the experiences of the United States, I would like to call your attention to the fact that we had here States, political communities, independent in fact and in theory, feeling the necessity of some kind of organization, and, as a first step thereto, they established a league, and that league not exactly meeting their desires, they formed a more perfect union, still stipulating, however, that the States forming this union retained every sovereign power and the exercise of every sovereign power which they did not expressly grant to their agent, the United States, or the exercise of which they did not renounce. So that in considering a Society of Nations, a closer form, a closer union, I think Dr. Hill is justified in the assertion that the experience of the United States, having passed through these different phases and having reached a more perfect union, which even withstood the throes of the Civil War, is entitled to careful consideration. Impressed with these ideas, I would like to state, as Mr. Fenwick remarked in the course of his address, that the Carnegie Endowment has issued a

collection of The Hague Arbitrations, that this same Endowment has in press a little volume composed of three documents — the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States — to be issued with a very brief introductory note calling attention to the international aspects of the question. Strange as it may seem, I have been unable to procure those three documents together in convenient form, without annotation, and believing that these documents should not be lost sight of, that the experience of the United States must be considered, the Endowment is issuing the three documents in a convenient form, as the contribution of the revolutionary statesmen and their successors to the solution of the international problem suggested by the American States desiring to come together into some closer form of union, without, however, sacrificing their political identity as States. With a constitution, constitutional provisions, and constitutional limitations interpreted by a court of the Union, by the application of the Federal law, or by the principles of international law which may be approved by the nations, we may help toward a solution of that problem.

If there be no further desire for discussion, I would suggest that we stand adjourned until 8 o'clock this evening, when this same matter will be further considered.

(Whereupon, at 5.10 o'clock P.M., the meeting adjourned until 8 o'clock P.M., of the same day, at the same place.)